

HOUSE BILL 549

E2

9lr1289
CF SB 104

By: **Delegate Bromwell (By Request – Baltimore County Administration) and Delegates Aumann, Boteler, Cardin, DeBoy, Frank, Impallaria, Jones, Lafferty, Malone, McDonough, Minnick, Olszewski, Stein, and Weir**

Introduced and read first time: February 5, 2009

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 2009

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Prospective Employees and Volunteers – Criminal**
3 **History Records Check**

4 FOR the purpose of authorizing the County Administrative Officer of Baltimore
5 County or a certain designee of the officer to request from the Central
6 Repository a State and national criminal history records check for a prospective
7 ~~or current~~ employee or volunteer of Baltimore County; requiring that the officer
8 or designee of the officer submit certain sets of fingerprints and fees to the
9 Central Repository as part of the application for a criminal history records
10 check; requiring the Central Repository to forward to the prospective ~~or current~~
11 employee or volunteer and the officer or designee of the officer the prospective
12 ~~or current~~ employee's or volunteer's criminal history record information under
13 certain circumstances; establishing that information obtained from the Central
14 Repository under this Act is confidential, may not be disseminated, and may
15 be used only for certain purposes; authorizing the subjects of a criminal history
16 records check under this Act to contest the contents of a certain printed
17 statement issued by the Central Repository; requiring the governing body of
18 Baltimore County to adopt guidelines to carry out this Act; defining a certain
19 term; and generally relating to criminal history records checks in Baltimore
20 County.

21 BY adding to
22 Article – Criminal Procedure
23 Section 10-231.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2008 Replacement Volume)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Criminal Procedure**

6 **10-231.1.**

7 (A) IN THIS SECTION, “CENTRAL REPOSITORY” MEANS THE CRIMINAL
8 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT
9 OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

10 (B) THE COUNTY ADMINISTRATIVE OFFICER OF BALTIMORE COUNTY
11 OR A DESIGNEE OF THE ~~OFFICER~~ COUNTY ADMINISTRATIVE OFFICER, WHICH
12 SHALL BE THE DIRECTOR OF HUMAN RESOURCES OR THE DIRECTOR’S
13 DESIGNEE, MAY REQUEST FROM THE CENTRAL REPOSITORY A STATE AND
14 NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR A PROSPECTIVE ~~OR~~
15 ~~CURRENT~~ EMPLOYEE OR VOLUNTEER OF BALTIMORE COUNTY.

16 (C) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
17 RECORDS CHECK, THE COUNTY ADMINISTRATIVE OFFICER OF BALTIMORE
18 COUNTY OR THE DESIGNEE OF THE OFFICER SHALL SUBMIT TO THE CENTRAL
19 REPOSITORY:

20 (I) TWO COMPLETE SETS OF THE PROSPECTIVE ~~OR~~
21 ~~CURRENT~~ EMPLOYEE’S OR VOLUNTEER’S LEGIBLE FINGERPRINTS TAKEN ON
22 FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE
23 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

24 (II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THIS
25 SUBTITLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

26 (III) THE MANDATORY PROCESSING FEE REQUIRED BY THE
27 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
28 RECORDS CHECK.

29 (2) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-250 OF THIS
30 SUBTITLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE PROSPECTIVE
31 ~~OR CURRENT~~ EMPLOYEE OR VOLUNTEER AND THE COUNTY ADMINISTRATIVE
32 OFFICER OF BALTIMORE COUNTY OR THE DESIGNEE OF THE OFFICER THE
33 PROSPECTIVE ~~OR CURRENT~~ EMPLOYEE’S OR VOLUNTEER’S CRIMINAL HISTORY
34 RECORD INFORMATION.

1 (3) **INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
2 **UNDER THIS SECTION:**

3 (I) **IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**
4 **AND**

5 (II) **MAY BE USED ONLY FOR A PERSONNEL-RELATED**
6 **PURPOSE CONCERNING A PROSPECTIVE ~~OR-CURRENT~~ EMPLOYEE OR**
7 **VOLUNTEER OF THE COUNTY AS AUTHORIZED BY THIS SECTION.**

8 (4) **THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK**
9 **UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED**
10 **STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223**
11 **OF THIS SUBTITLE.**

12 (D) **THE GOVERNING BODY OF BALTIMORE COUNTY SHALL ADOPT**
13 **GUIDELINES TO CARRY OUT THIS SECTION.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.